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WORKING SESSION MEMORANDUM

DATE: May 11, 2012

TO: Alderman Marcia Johnson, Chair of Zoning and Planning Committee
Members of the Zoning and Planning Committee

FROM: Candace Havens, Director of Planning and Development 

SUBJECT: **#152-10:** Ald. Baker, Fuller, Schnipper, Shapiro, Fischman, Yates and Danberg recommending discussion of possible amendments to Section 30-19 of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities.

MEETING: May 14, 2012

CC: Board of Aldermen
Bob Rooney, COO
Donnalyn Kahn, City Solicitor

BACKGROUND

In a 2003 Appeals Court of Massachusetts case, *Trustees of Boston College vs. Board of Aldermen of Newton*, the Court ruled that the application of the parking regulations in Newton's Zoning Ordinance as written results in an overcounting of parking spaces required by colleges and universities because some uses, such as classrooms, dorm rooms and cafeterias would be separately included in parking calculations when, in fact, an individual student or staff member could only be in one place at a time. The Court expressed support for the provision of Section 30-19(13) of the Newton Code that allows discounts for restaurants, theatres, etc. in conjunction with a hotel, but noted that this provision is not written so as to apply to college campuses, though it exhibits similar multi-use characteristics. Ultimately, the application of Section 30-19 to the Boston College Middle Campus Project was overturned and the Court recommended that the City's zoning regulations be amended to arrive at a more reasonable parking regulation for colleges and universities consistent with the Court decision and MGL Chapter 40A Section 3, the so-called "Dover Amendment."

ANALYSIS

Contemporary parking assessments for mixed use offer a sophisticated, usually computerized analysis that factors combinations of uses into the parking calculation. In recent years, Boston College has prepared such analyses to show how the combination of activities, location of uses, variety of transportation alternatives, and student parking policies and pricing, all play a part in how parking supply and demand are balanced on-campus. Their efforts to successfully manage parking have been largely due to this thoughtful and detailed analysis, which takes into consideration a variety of influences, and which may vary widely from campus to campus. In other words, there is no “one size fits all” for campus parking.

Staff’s research into college and university campus parking standards produced no definitive solutions. Zoning regulations and parking literature favor the shared-use approach to balancing supply and demand. Yet, while contemporary mixed-use parking assessments are likely to provide the truest calculation of the needed supply and demand, it is uncertain as to whether such a parking requirement for college campuses will, in fact, satisfy the Court’s direction to create a reasonable regulation in the City of Newton. The Court specifically pointed out that our zoning regulations include no single category applicable generally to the multiple activities that typically occur on college campuses and referenced Section 30-19(d), which provides for reductions that are allowed for hotels as a possible approach. Specifically, Section 30-19(d)(13) allows for a ½ reduction in parking for food service associated with hotels, and ¼ reduction when associated with places of assembly. The zoning regulations also allow for a 1/3 reduction by special permit for a mix of uses when in a single integrated development per Section 30-19(d)(18).

RECOMMENDATION

To respond to the Court’s direction that appropriate standards be created, but also allows for more fine-grained analyses, staff recommends amending the zoning regulations by adding a new Section 30-19(21) that specifically references college and university parking and allows for a 1/3 reduction in parking based on the fact that no student, staff, or faculty member can frequent a cafeteria, classroom, assembly hall, or dormitory at the same time, but that also allows for a case to be made for a further reduction based on a professional parking analysis.

Recommended language for new Section 30-19(21):

(21)In the case of a college or university campus, where food service, living quarters, places of assembly, and other related uses are provided, the parking requirement for the campus shall be 1/3 of the combined total number of parking spaces required for the individual uses as provided in Section 30-19; a further reduction may be allowed by special permit if a professional shared-parking study demonstrates that fewer spaces can effectively meet the parking demand.